



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	IX	Administrative	
Chapter:	L	Legal	12-5-2001
Subchapter:	1	Legal Procedures	
Issuance:	200	Subpoenas	

Policy 12-5-2001

The respective regional Assistant Director, Program/Adoption Operations is to be notified whenever an employee receives a subpoena in an administrative matter affecting CP&P or any other State Division or Department. The respective regional Assistant Director, Program/Adoption Operations and Office of Legal Affairs are notified when CP&P or another State Department is named as the defendant, or when testimony or materials are sought to clarify or challenge State policy, procedures or operations. Notification enables CP&P to:

- Remain apprised of all litigation and investigations affecting the operations of CP&P.
- Advise other Divisions or Departments when a CP&P employee is subpoenaed in a matter affecting another agency.
- Ensure that the employee being subpoenaed is in fact the correct person to supply the information being sought.
- Ensure coverage during the employee's absence if applicable.

Procedures 12-5-2001

1. Upon receipt of a subpoena the employee notifies the Assistant Director, Program/Adoption Operations and the Office of Legal Affairs where applicable in accordance with this policy through supervisory channels in writing, attaching a copy of the subpoena. This notification briefly outlines the matter, identifies the Division or Department affected (CP&P, Children and Families, Corrections, etc.), and cites the testimony or materials required.

2. The CP&P Director and Office of Legal Affairs are advised by the Assistant Director, Program/Adoption Operations as appropriate.
3. If the receipt of a subpoena relates to a critical incident, the procedures outlines in [CP&P-IX-D-1-100](#) are applicable.
4. Office of Legal Affairs notifies appropriate personnel in another Division or Department when that agency is affected.
5. The Attorney General's Office may be consulted as appropriate.
6. In all cases where immediate response is required (less than three days), the outlined procedure is carried out by telephone, with written notification to follow by the next working day.

Note:

This procedure does not apply in instances of a routine nature such as child abuse/neglect, guardianship, Juvenile-Family in Crisis, juvenile delinquency, custody cases, etc. The Assistant Director, Program/Adoption Operations and Office of Legal Affairs are notified in case situations only if the case is highly unusual or may have major impact on CP&P practice or subject CP&P to adverse public attention.

Administrative Subpoenas

2-26-88

On advice from the Attorney General, CP&P is not authorized, under any circumstances, to issue administrative subpoenas. An administrative subpoena is one issued by an agency when no court action is pending, provided that there is statutory or adequate legal authority to do so. The Division does not have such authority. The Division is authorized to issue subpoenas for the personal appearance of an individual or the production of documents only through the DAG as part of an ongoing court action.

If there is a need to obtain confidential information from other local or state agencies, including other Divisions of the Department of Children and Families, and a request for such material is refused, the matter must be referred through appropriate administrative channels.